



WASHINGTON STATE DEPARTMENT OF
Natural Resources
Peter Goldmark - Commissioner of Public Lands

Application for Use of State-owned Aquatic Lands

Applicant Name: Nooksack Indian Tribe
County: Whatcom County
Water Body: South Fork Nooksack River
Type of Authorization - Use: Right of Entry – Habitat Enhancement
Authorization Number: Pending
Term: Five (5) years

Description: This agreement will allow the use of state-owned aquatic lands for the sole purpose of installing engineered log jams for salmonid habitat enhancement. It is located in the South Fork Nooksack River, in Whatcom County, Washington.

This project is referred to as the Van Zandt Reach Project.

Date of Public Notice: June 24, 2010



WASHINGTON STATE DEPARTMENT OF
Natural Resources
Peter Goldmark - Commissioner of Public Lands

APPLICATION FOR AUTHORIZATION TO USE STATE-OWNED AQUATIC LANDS

NO WORK CAN BE STARTED ON THE PROJECT AREA UNTIL A USE AUTHORIZATION HAS BEEN GRANTED BY THE DEPARTMENT OF NATURAL RESOURCES

I. SUBMISSION OF APPLICATION

This application form will be reviewed by the Department of Natural Resources upon receipt at the address given below, and also posted on the DNR website as public information. Applicants will be notified in writing if the application will be accepted for further review. However, this application may be rejected at any time before signed execution of a use authorization.

APPLICATION MUST BE FILLED OUT IN BLUE OR BLACK PEN

Please send the completed application form to your region land manager at:

Department of Natural Resources
Northwest Region
919 N Township St
Sedro-Woolley, WA 98284-9333

Enclose a \$25.00 non-refundable application processing fee with the application. (This fee is not required for local, state, and other government agencies).

II. APPLICANT INFORMATION

Date of Application: June 8, 2010

Authorization to be Issued To (how name is to appear in the lease document): Nooksack Indian Tribe

Applicant's Representative: Victor Inera

Relationship to Applicant: Employee (Watershed Restoration Coordinator)

Address: P.O. Box 157	City: Deming	State: WA	Zip Code: 98244
Telephone: (360) 592-5176	Fax: (360) 592-5753	E-Mail: vinera@nooksack-nsn.gov	

FOR OFFICIAL USE ONLY

Support staff: Application Fee Received

JARPA Received

Date: 6/17/10

Land Manager: New Application: ☒ Renewal Application

Land Manager Initials JMC

Land Manager: Type: (20, 21, 22, 23, 31, 51) POE

NaturE Use Code Z124

Land Records: New Application Number _____; Trust _____; County _____; AQR Plate No. _____

waived - tribal gov't

II. APPLICANT INFORMATION cont'

Department of Revenue Tax *Registration Number (Unified Business Identifier) is Required: 91-1487296

Which of the following applies to Applicant (Check One and Attach written authority to sign - bylaws, power of attorney, etc):

Corporation ☐
State of Registration:Limited Partnership ☐
State of Registration:General Partnership ☐
State of Registration:Sole Proprietorship ☐Marital Community ☐
Spouse:Government Agency ☐Other ☒ (Please Explain:) TribeHas the site use been authorized before or is it currently under lease? Yes ☐ Lease Number:No ☒ Don't Know ☐**III. LOCATION**The Body of Water on which the state property is located:
South Fork Nooksack River

County in which the state property is located: Whatcom

Government Lot:

Section: 7 & 8 NE & NW

Township: 38

Range: 05

E ☒ or W ☐

Note: A legal property survey including the legal description and other information about the property is **required** to obtain a use authorization. WA DNR survey requirements are attached to this form. The survey plat will be attached to the lease/easement as Exhibit A. **DO NOT HAVE THIS SURVEY CONDUCTED UNTIL YOU HAVE BEEN NOTIFIED IN WRITING THAT THE APPLICATION HAS BEEN ACCEPTED FOR PROCESSING.**

Physical description of Project Area (For example, Marsh, Tideflat adjacent to the Chehalis River, etc.):

The project area includes the right and left banks of the South Fork Nooksack River between river miles 0.9-1.4 known as the Van Zandt Reach.

Name of Owner(s) of Uplands, Shorelands, and/or Tidelands shoreward and adjacent to the Property:

1) Nielsen Brothers Inc. and 2) Nooksack Tribal Allotment - Foss Weaxta

Address: Nielsen, Robert - P.O. Box 2789
2) No address or contact info for allotment - see attached B.I.A. letter

City: Bellingham

State: WA

Zip Code: 98227

Phone Number: (360) 671-9078

Fax Number NA

E-mail: NA

Note: Except for property located within established Harbor Areas, proof of ownership, or authorization to use the adjacent tideland, shoreland, or upland property may be required. If the applicant is the owner of the adjacent land, attach a copy of the deed.

County Parcel No(s). for adjacent properties, upland, and/or adjacent tideland properties:
3805080501710000, 380507NOOKIN, 380508NOOKIN

IV. USE OF PROPERTY

Describe, in detail, the proposed use of the Property:

Construct up to 14 Engineered Log Jams (ELJ) within the Van Zandt reach to create deep pools with cover and temperature refugia for holding migrating salmonids while improving riparian conditions through placement of ELJ's and planting native riparian vegetation. The project is designed to address the factors most limiting South Fork (SF) Nooksack early chinook in the lower South Fork. Abundance and productivity of SF Nooksack early chinook are critically low and immediate action is necessary to ensure persistence of the population. A recent draft analysis by the Puget Sound Technical Recovery Team (TRT) determined that the SF early chinook population has the highest near-term extinction risk of all 22 Puget Sound chinook populations. The proposed approach was considered to be the most cost-effective because such engineered logjams have the greatest magnitude, certainty, immediacy, and lifespan of benefit of the available techniques, while providing the appropriate assurances to adjacent landowners.

Is or will the Property be subleased to another party? Yes ☐ No ☒
If yes, submit a copy of the sublease agreement.

What are the current and past uses of the site?

In the past the property has been used for agriculture and commercial forestry. The east side of the project site has been used as a rural residential area. There has been an unregulated open dump known as Foothills Recycling Site on the east side of the project for several years. Efforts have been made through the EPA to partially clean it up and funding enabled the portion closest to the river to be relocated back from the bank. Several bank roughening structures were installed in the floodplain in 2006.

Do you have any knowledge of contamination of the site by toxic or hazardous substances, or of past uses or practices that might have lead to contamination by such substances? Yes ☒ No ☐
If so, please explain:

In April 2005 the EPA Emergency Response Team (ERT) removed all visible hazardous material and evacuated propane containers from the Foothills Recycling Site. From July – September 2005 debris was moved from the rivers edge and an upland flood fence between the river and the dump was installed. In July 2006 a Targeted Brownfields Assessment (TBA) was completed by the EPA to develop a cost estimate for site cleanup. Few hazardous materials were observed and no large, visible areas of soil contamination were found. Soil tests for petroleum hydrocarbons from the site revealed levels below detectable limits. The ELJ project will slow migration of the channel to the Foothills Recycling Site.

Do you know if any fill material has been placed on the property in question? Yes ☐ No ☒
If yes, please explain:

V. IMPROVEMENTS

Physical improvements are structures placed on the land that cannot be removed without damage to the land. Examples of

such structures include: pilings, dolphins, piers, wharves, piling-supported buildings, structures built on fill or concrete foundations, buried pipelines and cables, and support structures for bridges.

What physical improvements currently exist on the site? (Photos may be required.) None

If there are physical improvements currently on the site, who owns them? NA

If there are physical improvements currently on the site, describe their condition: NA

Which, if any, of the existing physical improvements will be removed, remodeled, or reconstructed? NA

Describe any physical improvements that the applicant is proposing to construct on the site:

Approximately 142 piles 40-45' long, 14" diameter butt, and rough peeled will be driven into the banks and river to construct the ELJ structures. After piles have been installed, the structures will be built with large logs with attached root wads, woody slash to act as racking material, and salvaged rip-rap that will be used on some structures that require additional ballast. After the structures are built each will be revegetated with native conifers at 6 foot spacing and staked with willow and cottonwoods at 2 foot spacing. Existing soil will be salvaged to provide improved planting medium.

Has any fill material been placed on the site? Yes ☐ No ☒
If Yes, please describe:

VI. LOCAL, STATE, AND FEDERAL REGULATORY PERMITS Copies of all Government Regulatory Permits, or Permit Waivers Are Required Before Issuance of a DNR Use Authorization. Your project may require all or some of the following.

Please include the following permit applications, permits, or waivers with the application:

JARPA (Joint Aquatic Resource Permit Application) - This one form is used to apply for all of the following individual permits:

1. Section 10 Permit (Required by the US Army Corps of Engineers for any work in or affecting navigable waters, e.g., floats, docks, piers, dredging, pilings, bridges, overhead power lines.)
2. Shoreline Substantial Development, Conditional Use, Variance Permit or Exemption (Issued by Local Government, and is required for work or activity in the 100 year flood plain, or within 200 feet of the Ordinary High Water mark of certain waters; and which included any one of the following: dumping, drilling, dredging, filling, placement or alteration of structures or any activity which substantially interferes with normal public use of the waters.)
3. Hydraulic Project Approval (Required by the Department of Fish and Wildlife if the project includes work that will use, divert, obstruct, or change the natural flow or bed of any fresh or salt water of the state.)
4. Section 404 Permit (Required by the US Army Corps of Engineers if your project will discharge or excavate any dredged or fill material waterward of the Ordinary High Water mark or the Mean Higher High Tide Line in tidal

areas.)


5. Section 401 Water Quality Certification (Required by the Department of Ecology if a Section 404 permit is required.)

NPDES (National Pollutant Discharge Elimination System Permit) - Required by the Department of Ecology under delegated authority from the Federal Environmental Protection Agency for projects that include the discharge of fluid on or into surface water.

SEPA (State Environmental Policy Act) Checklist and Environmental Assessments - When you submit a permit application to any agency, if the project is not exempt, the lead agency will ask you to fill out an environmental checklist. Based on checklist answers and the reviewers knowledge of the project site, agency personnel will determine the types of impacts the project may have on the environment. The agency assessments may be the following forms: Determination of Nonsignificance, Determination of Significance, scoping documents, draft or final Environmental Impact Statements (EIS) or others prepared for the purpose of compliance.

Describe any habitat mitigation required by any of the permitting agencies identified above and identify where such mitigation is proposed to occur:

All answers and statements are true and correct to the best of my knowledge.

Applicant Name (please print): Victor Inera	Title: Watershed Restoration Coordinator
Applicant or Authorized Signature: 	Date: 6/14/10

**STATE OF WASHINGTON DEPARTMENT OF NATURAL RESOURCES
REQUIREMENTS FOR RECORDS OF SURVEY FOR LEASES AND
EASEMENTS**

Records of Survey are required for easements and leases granted by the department for:

- County roads
- Highways
- Easements across high value lands
- Easements across transition lands
- Utilities
- Upland leases
- Communication sites
- Drainage or irrigation easements
- Railroads
- Aquatic land uses: exemptions are provided for recreational docks and mooring buoys per RCW 79.105.430 and for those permits issued as a Right of Entry
- Other grants as determined by the department based upon site specific considerations

The applicant is responsible for:

- All costs and work associated with creating, submitting, revising and recording the Record of Survey
- Submitting a preliminary Record of Survey for review and approval by the department prior to approval of the agreement.
- Recording the final Record of Survey with the county auditor's office.
- Submitting a digital copy in AutoCAD.DWG or DXF (drawing exchange format) of the final survey.
- Submitting two full size copies and one 8 1/2 X 11" copy and of the recorded survey including the auditor's recording information to the department.

A Record of Survey must:

1. Be produced by a licensed surveyor.
2. Meet the requirements of Title 58 RCW and Chapter 332-130 WAC.
3. Include the name of the applicant, the purpose of the easement or lease and the DNR easement or lease number.
4. Clearly show easement or lease boundaries with distances and directions of all boundary lines.
5. Show the easement or lease area to an accuracy of (\pm) 0.5% of the total area or (\pm) 10 square feet, whichever is greater.
6. (Not required for aquatic lands lease across the bed of Puget Sound or the Pacific Ocean) Indicate the acreage encompassed by the lease or easement within each quarter-quarter section or government lot.
7. Show distances and directions from two or more controlling corners of a recorded subdivision, recorded survey or government survey (GLO) corners.
8. Be related by meridian and coordinate to the Washington Coordinate System NAD'83(1991) by closed ties to NGS Control monuments, or the extension thereof. The designation of the control stations used shall appear on the plat.
9. Include a narrative legal description describing the servient estate (grantor's parcel) on the Record of Survey.
10. Show a detailed plan of improvements to be constructed or already existing on the easement or lease area. All improvements must be shown in sufficient detail to determine what they are used for and to ensure they are entirely within the easement area.
11. Show the location of any proposed utility.
12. (linear lease or easement) Show the lineal footage along the centerline.
13. (linear lease or easement) Show the complete alignment information and width including any necessary curve data.

A Record of Survey must (cont.):

14. (Easements or leases crossing a section line or state ownership boundary, not required for aquatic lands lease across the bed of Puget Sound or the Pacific Ocean) Provide ties to the centerline of an easement along the section or subdivision line from the nearest appropriate Public Land Survey System (PLSS) section corner, quarter section or subdivision corner, where the easement enters and leaves the section or state ownership.
15. (Easements or leases falling entirely within one section and not crossing a section line or state ownership boundary) Provide ties from both end points of the linear easement to PLSS corners or other subdivision corners shall be provided.
16. (A lease which encroaches on a previously leased site) Show the boundary for the senior lease in the vicinity of the proposed lease shall also be shown, together with ties between the two leases sufficient to determine the full extent of the encroachments.

Additional Requirements for Communication Site Leases

17. Show ties to the corners of previously monumented communication sites adjacent to, or in the immediate vicinity of the proposed communication site.
18. Show access to the site.

19. Mark the corners of the communication site, as described and granted, with substantial permanent magnetically locatable monuments. The monuments shall be in place and obviously marked on the ground after the construction of installations and improvements.
20. Show the center of any communication site tower by Washington Plane Coordinates, NAD83 (1991), or latitude and longitude. NAD83 datum must be used to determine global location coordinates and must be in **decimal degrees**. Coordinates must have at least five decimal places to the right of the decimal point and include a negative longitude.
21. On all communication sites where towers or beam paths are shown, an elevation is required at the base of the tower.
22. Show the tower height, and the height of the antenna or microwave dish and any beam path used shall have the diameter and tilt thereof shown.
23. The elevation shall be derived from an established benchmark in the vicinity of the site, or an elevation designated by the Department of Natural Resources.

Additional Requirements for Aquatic Land Uses

24. The lease of aquatic lands is often subject to preference rights. Applicants and surveyors should carefully determine the direction, and show details of the proration of coves and irregular shoreline.
25. **(lease sites which contain existing or proposed structures and improvements that are classified as a non water-dependent or a water oriented use as described within RCW 79.105.060 and WAC 332-30-106)** Provide the square footage of each structure and improvement.
26. Where applicable, the survey of aquatic lands must show the location of the following lines for:
 - a. Tidal areas –Government meander line, the original and current locations of line of mean high tide, line of mean low tide, and line of extreme low tide. The survey must include the name of tidal bench mark(s) used or describe the alternate method employed for determining a Tidal Datum. **Lease areas which contain tidelands and bedlands at a minimum must show the location of the line of extreme low tide crossing the lease area. Lease areas containing bedlands exclusively may be required to show the relationship to the line of extreme low tide and the -18 foot contour line only.**

Additional Requirements for Aquatic Land Uses (cont.):

- b. Lakes – Government meander line, line of ordinary high water (original ordinary high water if the lake has experienced artificial raising or lowering of the water level), and line of ordinary low water (include source of data) and line of navigability if established.
- c. Rivers - Line of ordinary high water and line of ordinary low water (include source of data) and line of navigability if established.
- d. Lots and blocks of platted tide lands or shore lands, inner and outer harbor lines, waterway lines, street boundaries, any local construction limit lines, any dredge or fill areas, and easements of record within the lease site.
- e. All lines must be shown in sufficient detail to compute and show the area of each area of State-owned bedlands, tidelands, shore lands, harbor area, or waterways included within the proposed lease site.

Include any other data necessary for the complete understanding of the information shown on the survey. If, in the opinion of the department, such information is lacking, the survey may be rejected.

Record of Survey Revisions:

- 27. Any differences between the as-built road and the regulation plat must be reflected in a revised Record of Survey and recorded with the county by the applicant.
- 28. When any portion of the completed improvements are located outside of the granted lease site, the as-built locations must be reflected in a revised Record of Survey and legal description. In this instance, a new application for an amended lease site may be required if the as-built location creates adverse impacts. In the case of linear leases across the bed lands of the sound or the ocean, an as-built Record of Survey and a revised legal description of the linear lease must be provided.

Survey Information updated July 2002.

For additional information contact one of the following region offices:

Southeast Region

713 Bowers Rd
Ellensburg, WA 98926-9341
509-925-8510
TTY: 509-925-8527

Northeast Region

P.O. Box 190
225 S Silke Rd
Colville, WA 99114-0190
360-684-7474
TTY: 509-684-7474

Olympic Region

411 Tillicum Ln
Forks, WA 98331-9797
360-374-2800
TTY: 360-374-2819

Pacific Cascade Region

P.O. Box 280
601 Bond Rd
Castle Rock, WA 98611-0280
360-577-2025
TTY: 360-577-2025

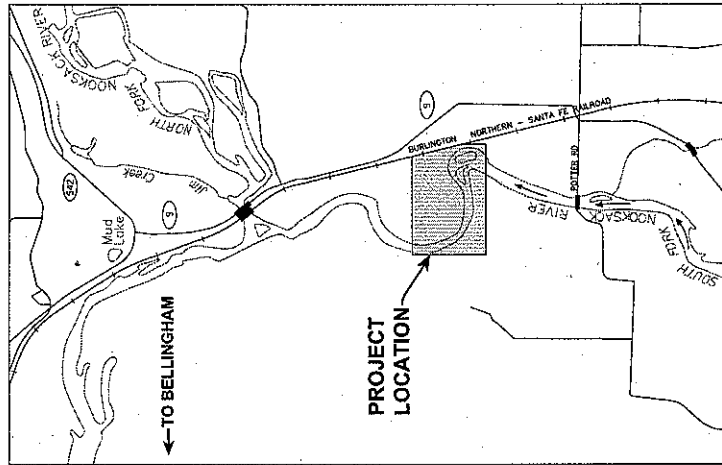
Northwest Region

919 N Township St
Sedro-Woolley, WA 98284-9333
360-856-3500
TTY: 360-856-1371

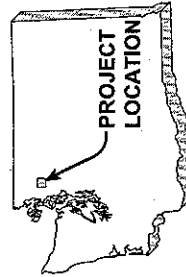
South Puget Sound Region

950 Farman Ave N
Enumclaw, WA 98022-9282
360-825-1631
TTY: 360-825-6381

VANZANDT REACH SOUTH FORK NOOKSACK RIVER RESTORATION PROJECT RIVER MILE 1.0 VANZANDT, WASHINGTON (T39N, R5E, S8)

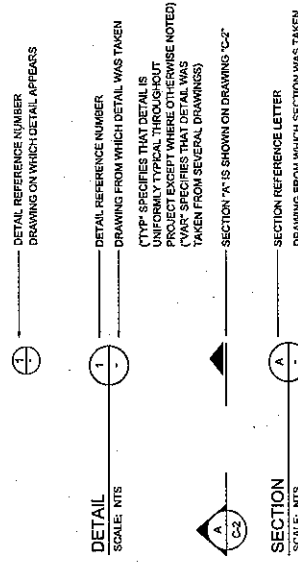


VICINITY MAP
N.T.S.



PROJECT
LOCATION

SHEET INDEX	
SHT NO.	DWG NO. SHEET DESCRIPTION
1	G-1 COVER SHEET
2	G-2 EXISTING CONDITIONS
3	G-3 SITE PLAN
4	G-4 GENERAL NOTES
5	C-1 ELJ TYPE 1 PLAN AND SECTION
6	C-2 ELJ TYPE 1 LAYERING PLAN
7	C-3 ELJ TYPE 2 PLAN AND SECTION
8	C-4 ELJ TYPE 2 LAYERING PLAN
9	EC-1 TESS PLAN
10	EC-2 TESS DETAILS



DETAIL AND SECTION REFERENCING

PERMIT DESIGN - NOT FOR CONSTRUCTION

		2200 Sixth Avenue Suite 1100 Seattle, Washington 98121-1620 206-441-3000 206-441-3100 FAX http://www.herrera.com				DESIGNER G. KAYS T. PRESCOTT DRAWN H. MACIEL CHECKED E. BELMANN APPROVED R. SPILLANE		DATE MAY 2010 PROJECT NO. 05-04232-000 DRAWINGS G-1 SHEETS 1 OF 10	
VANZANDT REACH SOUTH FORK NOOKSACK RIVER RESTORATION PROJECT RIVER MILE 1.0 COVER SHEET									

